

HOUSE No. 2700

By Mr. Scibak of South Hadley, petition of John W. Scibak and others requiring health care entities to participate in the federal prescription drug price discount program. Public Health.

The Commonwealth of Massachusetts

PETITION OF:

John W. Scibak	David B. Sullivan
Peter V. Kocot	Shirley Gomes
Patricia D. Jehlen	Michael E. Festa
Mary E. Grant	Barbara A. L'Italien
David Paul Linsky	Alice Hanlon Peisch
Mary S. Rogeness	

In the Year Two Thousand and Five.

AN ACT TO REQUIRE HEALTH CARE ENTITIES TO PARTICIPATE IN THE SECTION 340B PRESCRIPTION DRUG DISCOUNT PROGRAM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding the provisions of any general or
2 specific law to the contrary, the Executive Office of Health and
3 Human Services shall require that, except as provided in section
4 3, all programs, clinics, hospitals and other health-related centers
5 and entities that are eligible under Section 340B of the federal
6 Public Health Service Act, shall participate in the Section 340B
7 federal prescription drug price discount program.

1 SECTION 2. (a) An entity eligible to participate in the 340B
2 prescription drug discount program may contract with a pharmacy
3 to provide pharmacy services to that eligible entity, as defined in
4 Section 256b of Title 42 of the United States Code, including dis-
5 pensing preferentially priced drugs obtained pursuant to Section
6 256b of Title 42 of the United States Code. Contracts between
7 those eligible entities and pharmacies shall comply with guide-

8 lines published by the Health Resources and Services Administra-
9 tion and shall be available for inspection by board staff during
10 normal business hours.

11 (b) Drugs purchased pursuant to Section 256b of Title 42 of the
12 United States Code and received by a pharmacy shall be segre-
13 gated from the pharmacy's other drug stock by either physical or
14 electronic means. All records of acquisition and disposition of
15 these drugs shall be readily retrievable in a form separate from the
16 pharmacy's other records.

17 (c) Drugs obtained by a pharmacy to be dispenses to patients of
18 an eligible entity pursuant to Section 256b of Title 42 of the
19 United States Code that cannot be distributed because of a
20 changes in circumstances for the eligible entity or the pharmacy
21 shall be returned to the distributor from which they were obtained.
22 For the purposed of this section, a change in circumstances
23 included, but is not limited to, the termination or expiration of the
24 contract between the pharmacy and the eligible entity, the closure
25 of a pharmacy, disciplinary action against the pharmacy, or clo-
26 sure of the eligible entity.

1 SECTION 3. If an eligible entity described in section 1 above
2 can demonstrate to the satisfaction of the Executive Office of
3 Health and Human Services that the prescription drug discount it
4 receives other than through the Section 340B program results in
5 greater savings to the state, the entity may be granted an exception
6 to the requirements of this section.